

November 20, 1990

MEMORANDUM

TO: Dr. Fujio Matsuda
Executive Director
Research Corporation of the
University of Hawaii

FROM: Martha L. Young, Staff Attorney

SUBJECT: Public Access to Research Corporation of the
University of Hawaii Salary Information

This is in response to your August 16, 1990 request for an advisory opinion concerning public access to salary information regarding employees of the Research Corporation of the University of Hawaii ("Research Corporation").

ISSUE PRESENTED

Whether, under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes ("UIPA"), the exact salaries of Research Corporation employees are public and must be available for public inspection and copying.

BRIEF ANSWER

Yes, the exact salaries of Research Corporation employees are public under the UIPA. In addition to its general mandate of public disclosure, the UIPA specifically makes public several categories of records, including agency employees' compensation. For agency employees covered by chapters 76, 77, 297, or 304, Hawaii Revised Statutes, only the salary range is public. For all other agency employees, the exact salaries are public. Research Corporation employees are not covered by any of these four chapters; therefore, their exact salaries are public and must be available for public inspection and duplication.

FACTS

The Research Corporation is a state agency attached to the University of Hawaii for administrative purposes. See Haw. Rev. Stat. . 307-1 (1985). We have previously found that the Research Corporation is an "agency" as defined by the UIPA and, therefore, is subject to its provisions. See OIP Op. Ltr. No. 90-27 (July 19, 1990).

In addition to the UIPA's general mandate of public disclosure, the UIPA also provides several specific categories of records that, "[a]ny provision to the contrary notwithstanding," agencies must "make available for public inspection and duplication." Haw. Rev. Stat. . 92F-12(a) (Supp. 1989). Included in this list of government records specifically made public is the following:

- (14) The name, compensation (but only the salary range for employees covered by chapters 76, 77, 297 or 304), . . . of present or former officers or employees of the agency, . . .

Haw. Rev. Stat. . 92F-12(a)(14) (Supp. 1989) (emphasis added). Chapters 76 and 77 apply to the state civil service system; chapter 297 applies to public and private school personnel; and chapter 304 applies to the University of Hawaii. Research Corporation employees are not part of the state civil service system established by chapters 76 and 77, nor are they "covered" by chapters 297 or 304.

You have received a request for the salaries of certain Research Corporation employees. Even though these employees are not covered by chapters 76, 77, 297, or 304, you question whether the exact salaries of these Research Corporation employees should be made public under the UIPA, because Research Corporation employees "have job titles, duties, and salaries that are comparable to University and civil service employees and indeed work side by side in most cases with their University counterparts in University programs and facilities." Therefore, you "believe that [Research Corporation] employees should be treated like University and civil service employees for the purposes of [the UIPA]." Although we understand your concerns and recognize the analogy between Research Corporation and University employees, we are constrained to apply the clear language of the UIPA.

DISCUSSION

The UIPA mandates that "[a]ll government records are open to public inspection unless access is restricted or closed by law." Haw. Rev. Stat. . 92F-11(a) (Supp. 1989). As previously mentioned above, the UIPA also specifically requires disclosure

of several categories of records listed in section 92F-12(a). Previous OIP advisory opinions have found that section 92F-12(a)'s disclosure provisions must be liberally construed in order to "[p]romote the public interest in disclosure." See Haw. Rev. Stat. . 92F-2 (Supp. 1989); OIP Op. Ltr. Nos. 89-14 (Dec. 15, 1989), 90-15 (April 9, 1990), and 90-20 (June 12, 1990).

Section 92F-12(a)(14) of the UIPA specifically makes government agency employees' compensation public. The limited groups of employees for whom only salary range is public are those covered by chapters 76, 77, 297, or 304. Research Corporation employees admittedly are not covered by any of these four chapters. Even though we understand your concern that Research Corporation employees be treated the same as similarly situated employees in the civil service system, we must follow the plain language of the UIPA. Therefore, we find that the exact salaries of Research Corporation employees are specifically made public by section 92F-12(a)(14), Hawaii Revised Statutes.

CONCLUSION

The UIPA specifically makes government agency employees' compensation public. Exact salaries are public except for employees covered by chapters 76, 77, 297, or 304, Hawaii Revised Statutes. Research Corporation employees are not covered by any of these four statutes. Therefore, the exact salaries of Research Corporation employees are public under the UIPA and must be made available for public inspection and copying.

Martha L. Young
Staff Attorney

MLY:sc

cc: Harriet Y. Lewis, Deputy Attorney General

Dr. Diana M. DeLuca
Acting Vice President, University Relations

APPROVED:

Kathleen A. Callaghan
Director